

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
Debbie Brathwaite

Case No.: 14-26319  
Judge: SLM  
Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Original         | <input checked="" type="checkbox"/> Modified/Notice Required | <input type="checkbox"/> Discharge Sought               |
| <input type="checkbox"/> Motions Included | <input type="checkbox"/> Modified/No Notice Required         | <input checked="" type="checkbox"/> No Discharge Sought |

Date: 6/29/2016

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 434.00 per month to the Chapter 13 Trustee, starting on July 1, 2016 for approximately 14 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings
- ☒ Other sources of funding (describe source, amount and date when funds are available):

\$4,400 paid into plan over the past 22 months. Plan term total is 36 months.

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scura, Wigfield, Heyer, & Stevens, LLP	Administrative	Amount to be determined by the court after the filing of a supplemental fee application.

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
PNC Bank	108 N. Watchung Drive, Hawthorne, NJ	\$350,000	Surrendered in full satisfaction of creditors' claim
Chase Bank, NA	108 N. Watchung Drive, Hawthorne, NJ	\$350,000	

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☒ Not less than \_\_\_\_\_ 100 \_\_\_\_\_ percent

☐ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Administrative Claims
- 3) Secured and Priority Claims
- 4) Unsecured Claims

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 8/9/2014.

Explain below **why** the plan is being modified:

To surrender real property located at 108 N. Watchung Drive, Hawthorne, NJ to the secured creditor as debtor has been denied for a loan modification.

Explain below **how** the plan is being modified:

PNC (secured creditor) added to Part 4, section c.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes ☒ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 6/29/2016

/s/ Christopher J. Balala  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 6/29/2016

/s/ Debbie Brathwaite  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 8 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Debbie Brathwaite  
 Debtor

Case No. 14-26319-SLM  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf901

Page 1 of 1  
 Total Noticed: 15

Date Rcvd: Jun 30, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 02, 2016.

db +Debbie Brathwaite, 108 North Watchung Drive, Hawthorne, NJ 07506-2816  
 smg U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 lm +PNC Bank, NA, 3232 Newmark Drive, Miamisburgh, OH 45342-5421  
 514974611 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
 (address filed with court: Bank of America, Po Box 982235, El Paso, TX 79998)  
 514974610 +Ballard Spahr, LLP, Michele C. Ventura, Esq., 210 Lake Drive East, Ste 200,  
 Cherry Hill, NJ 08002-1163  
 514974612 +Chase, PO Box 15298, Wilmington, DE 19850-5298  
 514974613 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241  
 514974614 +Frederick Towne, 108 North Watchung Drive, Hawthorne, NJ 07506-2816  
 515682942 JPMorgan Chase Bank, N.A., c/o Five Lakes Agency, Inc., P.O. Box 80730,  
 Rochester, MI 48308-0730  
 515210398 +PNC Bank, National Association, 3232 Newmark Drive, Miamisburgh, Ohio 45342-5421  
 514974615 +Pnc Mortgage, 3232 Nemark Dr, Miamisburgh, OH 45342-5433  
 515168997 eCAST Settlement Corporation, assignee, of Citibank (South Dakota), N.A., POB 29262,  
 New York, NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 30 2016 22:59:12 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235

cr +E-mail/PDF: gecsed@recoverycorp.com Jun 30 2016 22:51:28 Synchrony Bank,  
 c/o Recovery Mgmt. Sys., 25 SE 2nd Ave., Ste. 1120, Miami, FL 33131-1605  
 515054221 E-mail/PDF: gecsed@recoverycorp.com Jun 30 2016 22:52:49 Synchrony Bank,  
 c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,  
 Miami, FL 33131-1605

TOTAL: 3

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 02, 2016

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 29, 2016 at the address(es) listed below:

Brian C. Nicholas on behalf of Loss Mitigation PNC Bank, NA bnicholas@kmlawgroup.com  
 Brian C. Nicholas on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
 bnicholas@kmlawgroup.com  
 Celine P. Derkrikorian on behalf of Creditor PNC Bank, National Association  
 njecfmail@mwc-law.com  
 Christopher J. Balala on behalf of Debtor Debbie Brathwaite cbalala@scuramealey.com,  
 ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; drocker@scuramealey.com  
 David L. Stevens on behalf of Debtor Debbie Brathwaite dstevens@scuramealey.com,  
 cbalala@scuramealey.com; ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; drocker@scuramealey.com  
 Joshua I. Goldman on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION  
 jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Marie-Ann Greenberg magecf@magtrustee.com

TOTAL: 7